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**Z-2518**  
**BRADLEY MILLER**  
**A to GB**

**STAFF REPORT**  
**February 14, 2013**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who along with Brett Miller is the property owner, and represented by Daniel Teder, is requesting rezoning of four tracts (the four corners of the new CR 450 N/Hoosier Heartland intersection) totaling 404.9 52.9 acres, located approximately ¾ of a mile west of the unincorporated town of Buck Creek, Washington 32 (NE) 24-3.

It was recently brought to staff's attention that this request includes an acre or two of old county road right-of-way currently owned by Tippecanoe County. This land must be excepted out of the legal description or the Board of County Commissioners must give its consent to the GB rezone prior to this case being heard.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The property and all surrounding land are zoned Agricultural and have been since the inception of zoning in the county.

Commercial and residential zoning can be found to the east in the town of Buck Creek.

**AREA LAND USE PATTERNS:**

The current site is undeveloped and in agricultural production. A strip of wooded land bisects the extreme northeastern corner of the site.

**TRAFFIC AND TRANSPORTATION:**

The construction of the at-grade intersection of CR 450 N and the Hoosier Heartland in the middle of this 101 acre parent tract has created four separate pieces of property.

State Road 25 is a limited access highway; any access to the site must be from CR 450 N or the feeder road. When this intersection was built, 4 field entrances were created specifically for farmers to access their fields. There is no guarantee that these field entrances can be used for commercial purposes; there are deep ditches along both sides of the newly created county road. Any conversion from a field entrance to a commercial driveway must be reviewed and approved through the County Highway Department.

## **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Neither public sewer nor water service is available to serve development on this site. Petitioner will need to be in contact with the Tippecanoe County and State Department of Health to determine utility needs and suitability.

A 15' wide Type B bufferyard is required to be installed on all property lines that abut A zoning. In addition, if approved a 30' side setback (instead of the typical ordinance standard of 0') must be observed on a portion of the eastern property line where the site abuts a residential use.

## **STAFF COMMENTS:**

With the completion of the Hoosier Heartland highway, staff knew that there would be proposed rezones and development. In anticipation, staff participated in an in-house planning exercise to evaluate potential new growth, location and development patterns.

It has always been staff's position, supported by the adopted *Comprehensive Plan* that development in the county should only occur in areas served by public utilities. This policy protects and conserves agricultural land, keeps development closer to the core of our community's population centers, limits neighboring incompatible uses and prevents sprawl.

In keeping with this position, staff believes the only places commercial zoning are justifiable without public utilities is in our small towns. As directed by the intent statement of the NBU (Neighborhood Business Urban) zone in the Unified Zoning Ordinance, staff feels that neighborhood business commercial zoning is both appropriate and necessary to allow towns such as Buck Creek and Colburn to grow and thrive.

*"To preserve and protect older parts of the community by providing areas for retail and service establishments that are convenient to neighborhood residents...(on) platted lots within the following unincorporated towns: Buck Creek, Colburn....either on sewerred lots or with on-site sewage disposal system approval from the Tippecanoe County Health Department" (UZO 2-13-1).*

This intersection near Buck Creek is one of only three at-grade crossings in the county on the recently constructed Heartland; one is immediately north of Buck Creek on CR 750 and the other outside of Colburn at CR 1000 E. The intersection with CR 750 E, which is about ¼ mile to the east of the site in question, is not only closer to the non-residential portion of Buck Creek, but it also serves as the route to the town of Americus. Neighborhood Business zoning at the southern half of the CR 750 E intersection would allow for the opportunity to concentrate new economic opportunities adjacent to the town's core, even without the benefit of sanitary utilities. (See the attached map for locations of the intersections.) NB zoning would help ensure that potential uses locating there would serve the residents of Buck Creek and not just the traveling public.

The subject request is also too large; there is no need for over 50 acres zoned General Business in an overwhelmingly agricultural area, spread out thousands of feet along both frontages of the highway. The Hoosier Heartland has been thirty years in the making. It is a brand-new, modern highway that not only greatly improves the safety of travelling motorists but showcases the rolling fields of north central Indiana. As the General Business zoning district permits billboards by right, allowing the GB zone along both sides of the Heartland in this fashion would most certainly usher in an era of billboards, positioned as close together as permitted by UZO standards (1000').

The proximity of the Hoosier Heartland provides a chance for Buck Creek to expand to the north and would also serve the nearby town of Americus only 2 ½ miles to the north. Thus, staff can *only* support, as guided by the *Comprehensive Plan* and Unified Zoning Ordinance, neighborhood business zoning adjacent to the north of Buck Creek to encourage the responsible growth of our small towns and rejects this much too large and much too commercially intense request for GB zoning.

**STAFF RECOMMENDATION:**

Denial